

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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Attorneys for Plaintiff
The Turtle Company, Inc.

THE TURTLE COMPANY INC.,

Plaintiff,

v.

B*TWEEN PRODUCTIONS, INC.
ABC CORPS 1-10

Defendants.

Document Electronically Filed

Case No.:

**COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

The Turtle Company, Inc. demands a jury trial and complains against the Defendants as follows:

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I. PARTIES

1. The Turtle Company, Inc. (hereinafter referred to as “TURTLE CO”), is corporation organized and existing under the laws of the State of New Jersey having a principal place of business located at 64 East Midland Avenue, Paramus, New Jersey 07652.

2. Upon information and belief, B*tween Productions, Inc. (hereinafter referred to as “BPI”) is a business located at 5 Commonwealth Executive Park, Burlington, MA 01803. BPI is the developer of the Beacon Street Girls® (BSG), a consumer/entertainment brand making, using, selling, and/or importing into the Unites States and in this judicial district products relating to the same.

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II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under including 35 U.S.C. §271 *et seq.*, and 28 U.S.C. §§1331 and 1338(a).

4. Personal jurisdiction exists generally over each Defendant because each Defendant is located within or has sufficient minimum contacts with the forum as a result of business regularly conducted within the State of New Jersey. Personal Jurisdiction also specifically exists over Defendants as a result of, at least, Defendants’ distribution network wherein Defendants, individually and/or collectively, placed instrumentalities that practice the claimed inventions of United States Patent No. 5,470,109, owned by the Plaintiff, within the stream of commerce, which stream is directed at this district, and by committing the tort of patent infringement within the District of New Jersey

5. Venue is proper in this Court under 28 U.S.C. §§ 1391 as well as 28 U.S.C. § 1400(b).

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III. PATENT INFRINGEMENT

6. On November 28, 1995, U.S. Patent No. 5,470,109 (hereinafter referred to as the “109 patent”) duly and legally issued to Dennis Grande for an invention entitled “Adjustable

1 book Jacket and Method for Making the Same” (the “Patent”). The Patent is in full force and
 2 effect and a copy of the ‘109 patent is attached hereto as Exhibit 1.

3 7. TURTLE CO is the assignee of the ‘109 Patent and the owner of all right title,
 4 and interest in and to the ‘109 patent.

5 8. In contravention to 35 U.S.C. §§271(a)(b) and (c), Defendants have infringed
 6 and/or willfully and deliberately infringed the ‘109 Patent by making, using, selling, and/or
 7 offering to sell, or inducing others to make, use sell, and/or offer to sell products including but
 8 limited to the “BEACON STREET GIRLS STRETCHABLE FABRIC BOOK COVERS.” Such
 9 acts of infringement have occurred and/or continue to occur without the authority or license of
 10 Plaintiff.

11 9. TURTLE CO has and is being damaged and will continue to be damaged by the
 12 infringing activities of Defendants complained of herein.

13 **IV. PRAYER FOR RELIEF**

14 WHEREFORE, TURTLE CO prays for judgment against Defendants as follows:

- 15 A. That one or more of the claims of ‘109 patent have been infringed, wither
 16 literally and/or under the doctrine of equivalents, by Defendants and or by
 17 others to whose infringement as been contributed to by Defendants and/or by
 18 others whose infringement has been induced by Defendants;
- 19 B. That, pursuant to 35 U.S.C. §283, preliminary and final injunctions be issued
 20 enjoining Defendants, its officers, agents, servants, employees and all those
 21 persons in active concert or participation with them from further infringement
 22 of the Patent;
- 23 C. That, pursuant to 35 U.S.C. §284, Defendants account for damages for all past
 24 infringement, including treble damages because of the willful nature of such
 25 infringement;
- 26 D. That Plaintiff’s be granted pre-judgment and post-Judgment interest at the
 27 maximum rate allowable by law on the damages caused by reason of
 28 defendants infringing activities complained herein;

1 E. That, pursuant to 35 U.S.C. §285, TURTLE CO be awarded costs and
2 attorney's fees incurred in connection with this action; and

3 F. That TURTLE CO be granted such other and further relief as this Court deems
4 just and proper, and equitable.

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6 **V. DEMAND FOR JURY TRIAL**

7 The Plaintiff, TURTLE CO, demands a trial by jury of all issues property triable by jury
8 in this action.

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Ramsey, NJ